

POPP | HUTCHESON_{PLLC}
The Property Tax Firm

May 14, 2014

Kenny Austin, Superintendent
Friona Independent School District
909 E. 11th
Friona, TX 79035

Certified Article Number

9314 8699 0430 0002 9826 98

SENDER'S RECORD

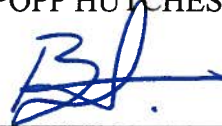
Re: *Form 50-772A Annual Eligibility Report and 50-773A Biennial Progress Report*

Enclosed please find the Annual Eligibility Report and Biennial Progress Report for Mariah North West pursuant to Chapter 313 of the Texas Property Tax Code.

Please contact me at 512-473-2661 or via email at blas.ortiz@property-tax.com if you need additional information regarding this matter.

Sincerely,

POPP HUTCHESON PLLC



Blas J. Ortiz
Tax Consultant

Enclosures



Chapter 313 Annual Eligibility Report Form

Economic Development
and Analysis
Form 50-772-A

SECTION 1: Applicant and District Information

1. Tax year covered by this report: 2013
NOTE: This report must be completed and submitted to the school district by May 15 of every year using information from the previous tax (calendar) year.
2. Application number: 289
NOTE: You can find your application number and all agreement documents and reports on the website www.texasahead.org/tax_programs/chapter313/applicants
3. Name of school district: Friona Independent School District
4. Name of project on original application (or short description of facility): Mariah Renewable Energy Center Phase One Project
5. Name of applicant on original application: Mariah North West, LLC
6. Name the company entering into original agreement with district: Mariah North West, LLC
7. Amount of limitation at time of application approval: \$20,000,000
8. If you are one of two or more companies originally applying for a limitation, list all other applicants here and describe their relationships.
(Use attachments if necessary.)

N/A

SECTION 2: Current Agreement Information

1. Name of current agreement holder(s) Mariah North West, LLC
2. Complete mailing address of current agreement holder 217 East 7th Ave., Denver, CO 80203
3. Company contact person for agreement holder (same as signatory for this form):

<u>James Scott</u>	<u>Chief Financial Officer</u>
Name	Title
<u>(303) 996-8982</u>	<u>james.scott@scatecenergy.com</u>
Phone	Email
4. Texas franchise tax ID number of current agreement holder: 32041670004
5. If the current agreement holder does not report under the franchise tax law, please include name and tax ID of reporting entity:

<u>N/A</u>	
Name	Tax ID
6. If the authorized company representative is different from the contact person listed above, complete the following:

<u>Trey Novosad</u>	<u>Principal</u>
Name	Title
<u>1301 S. Mopac Ste. 430, Austin, TX 78746</u>	
Complete Mailing Address	
<u>(512) 473-2661</u>	<u>trey.novosad@property-tax.com</u>
Phone	Email
7. If you are a current agreement holder who was not an original applicant, please list all other current agreement holders. Please describe the chain of ownership from the original applicant to the new entities. (Use attachments if necessary.)

N/A

Chapter 313 Annual Eligibility Report Form

SECTION 3: Applicant Eligibility Information

1. Does the business entity have the right to transact business with respect to Tax Code, Chapter 171?
(Attach printout from Comptroller Web site: <http://www.window.state.tx.us/taxinfo/coasintr.html>) ☒ Yes ☐ No
2. Is the business entity current on all taxes due to the State of Texas? ☒ Yes ☐ No
3. Is the business activity of the project an eligible business activity under Section 313.024(b)? ☒ Yes ☐ No

3a. Please identify business activity: _____

SECTION 4: Qualified Property Information

1. Market value from previous tax year: ***As of January 1, 2013** \$ 0.00
2. I&S taxable value from previous tax year: \$ 0.00
3. M&O taxable value from previous tax year: \$ 0.00

SECTION 5A: Wage and Employment Information for Applications Prior to Jan. 1, 2014 (#1 Through 999)

ONLY COMPLETE THE WAGE SECTION (5A or 5B) THAT APPLIES TO YOUR APPLICATION. You can find your application number on the website at www.texasahead.org/tax_programs/chapter313/applicants.

NOTE: All statutory references in Section 5A are for statute as it existed prior to Jan. 1, 2014. For job definitions see TAC §9.1051(14) and Tax Code, §313.021(3). If the agreement includes a definition of "new job" other than TAC §9.1051(14)(C), then please provide the definition "new job" as used in the agreement. Notwithstanding any waiver by the district of the requirement for the creation of a minimum number of new jobs, or any other job commitment in the agreement, Tax Code §313.024(d) requires that 80 percent of all new jobs be qualifying jobs.

***As of January 1, 2013**

1. How many new jobs were based on the qualified property in the year covered by this report? (See note above) 0
2. What is the number of new jobs required for a project in this school district according to §313.021(2)(A)(iv)(b), §313.051(b), as appropriate? 10
3. Did the applicant request that the governing body waive the minimum job requirement, as provided under Tax Code §313.025(f-1)? ☐ Yes ☒ No
 - 3a. If yes, how many new jobs must the approved applicant create under the waiver? _____
4. Calculate 80 percent of new jobs (0.80 x number of new jobs based on the qualified property in the year covered by this report.) 0
5. What is the minimum required annual wage for each qualifying job in the year covered by the report? \$ 46,035.00
6. Identify which of the four Tax Code sections is used to determine the wage standard required by the agreement:

☐ §313.021(5)(A) or ☐ §313.021(5)(B) or ☐ §313.021(3)(E)(ii) or ☒ §313.051(b)

 - 6a. Attach calculations and cite exact Texas Workforce Commission data source as defined in TAC §9.1051.
7. Does the agreement require the applicant to provide a specified number of jobs at a specified wage? ☐ Yes ☒ No
 - 7a. If yes, how many qualifying jobs did the approved applicant commit to create in the year covered by the report? _____
 - 7b. If yes, what annual wage did the approved applicant commit to pay in the year covered by the report? \$ _____
 - 7c. If yes, how many qualifying jobs were created at the specified wage in the year covered by the report? _____
8. How many qualifying jobs (employees of this entity and employees of a contractor with this entity) were based on the qualified property in the year covered by the report? 0
 - 8a. Of the qualifying job-holders last year, how many were employees of the approved applicant? 0
 - 8b. Of the qualifying job-holders last year, how many were employees of an entity contracting with the approved applicant? 0
 - 8c. If any qualifying job-holders were employees of an entity contracting with the applicant, does the approved applicant or assignee have documentation from the contractor supporting the conclusion that those jobs are qualifying jobs? ☐ Yes ☐ No ☒ N/A

Chapter 313 Annual Eligibility Report Form



SECTION 5B: Wage and Employment Information for Applications After Jan. 1, 2014 (#1000 and Above)

ONLY COMPLETE THE WAGE SECTION (5A or 5B) THAT APPLIES TO YOUR APPLICATION. You can find your application number on the website at www.texasahead.org/tax_programs/chapter313/applicants.

NOTE: For job definitions see TAC §9.1051(14) and Tax Code, §313.021(3).

QUALIFYING JOBS

1. What is the number of new qualifying jobs the applicant committed to create in the year covered by this report? _____
2. Did the applicant request that the governing body waive the minimum qualifying job requirement, as provided under Tax Code §313.025(f-1)? ☐ Yes ☐ No
 - 2a. If yes, how many new qualifying jobs must the approved applicant create under the waiver? _____
3. Which Tax Code section are you using to determine the wage standard required for this project? ☐ §313.021(5)(A) or ☐ §313.021(5)(B)
 - 3a. Attach calculations and cite exact Texas Workforce Commission data sources as defined in TAC §9.1051.
4. What is the minimum required annual wage for each qualifying job in the year covered by this report? \$ _____
5. What is the annual wage the applicant committed to pay for each of the qualifying jobs in the year covered by this report? \$ _____
6. Do the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3)? ☐ Yes ☐ No

NON-QUALIFYING JOBS

7. What is the number of non-qualifying jobs the applicant had on Dec. 31 of the year covered by this report? _____
8. What was the average wage you were paying for non-qualifying jobs on Dec. 31 of the year covered by this report? . . . \$ _____
9. What is the county average weekly wage for non-qualifying jobs, as defined in TAC §9.1051? \$ _____

MISCELLANEOUS

10. Did the applicant rely on a determination by the Texas Workforce Commission under the provisions §313.024(3)(F) in meeting the qualifying job requirements? ☐ Yes ☐ No
 - 10a. If yes, attach supporting documentation to evidence that the requirements of §313.021(3)(F) were met.
11. Are you part of a Single Unified Project (SUP) and relying on the provisions in Tax Code §313.024(d-2) to meet the qualifying job requirements? ☐ Yes ☐ No
 - 11a. If yes, attach supporting documentation from the Texas Economic Development and Tourism Office including a list of the other school district(s) and the qualifying jobs located in each.

SECTION 6: Qualified Investment During Qualified Time Period

ENTITIES ARE NOT REQUIRED TO COMPLETE THIS SECTION IF THE YEAR COVERED BY THE REPORT IS AFTER THE QUALIFYING TIME PERIOD OF THEIR AGREEMENT.

1. What is the qualified investment expended by this entity from the beginning of the qualifying time period through the end of the year covered by this report? \$ 400,000.00
2. Was any of the land classified as qualified investment? ☐ Yes ☒ No
3. Was any of the qualified investment leased under a capitalized lease? ☐ Yes ☒ No
4. Was any of the qualified investment leased under an operating lease? ☐ Yes ☒ No
5. Was any property not owned by the applicant part of the qualified investment? ☐ Yes ☒ No

Chapter 313 Annual Eligibility Report Form

SECTION 7: Partial Interest

THE FOLLOWING QUESTIONS MUST BE ANSWERED BY ENTITIES HAVING A PARTIAL INTEREST IN AN AGREEMENT. For limitation agreements where there are multiple company entities that receive a part of the limitation provided by the agreement: 1) each business entity not having a full interest in the agreement should complete a separate form for their proportionate share of required employment and investment information; and, 2) separately, the school district is required to complete an Annual Eligibility Report that provides for each question in this form a sum of the individual answers from reports submitted by each entity so that there is a cumulative Annual Eligibility Report reflecting the entire agreement.

1. What was your limitation amount (or portion of original limitation amount) during the year covered by this report?
2. Please describe your interest in the agreement and identify all the documents creating that interest.

N/A

SECTION 8: Approval

"I am the authorized representative for the Company submitting this Annual Eligibility Report. I understand that this Report is a government record as defined in Chapter 37 of the Texas Penal Code. The information I am providing on this Report is true and correct to the best of my knowledge and belief."

print
here

James Scott
Print Name (Authorized Company Representative)

CEO
Title

sign
here


Signature (Authorized Company Representative)

5/14/2014
Date

print
here

Blas Ortiz, Popp Hutcheson PLLC
Print Name of Preparer (Person Who Completed the Form)



Franchise Tax Account Status

As of: 05/02/2014 02:32:07 PM

This Page is Not Sufficient for Filings with the Secretary of State

MARIAH NORTH WEST LLC DBA MARIAH WIND NORTH WEST LLC	
Texas Taxpayer Number	32041670004
Mailing Address	217 E 7TH AVE DENVER, CO 80203-3504
Right to Transact Business in Texas	ACTIVE
State of Formation	DE
Effective SOS Registration Date	04/16/2010
Texas SOS File Number	0801257675
Registered Agent Name	JAMES R. SWAFFORD
Registered Office Street Address	1000 8TH ST. PO BOX 874 BOVINA, TX 79009

2012 Manufacturing Wages by Council of Government Region

Wages for All Occupations

COG	Wages	
	Hourly	Annual
Texas	\$23.56	\$48,996
<u>1. Panhandle Regional Planning Commission</u>	\$20.12	\$41,850
<u>2. South Plains Association of Governments</u>	\$16.18	\$33,662
<u>3. NORTEX Regional Planning Commission</u>	\$17.83	\$37,076
<u>4. North Central Texas Council of Governments</u>	\$24.68	\$51,333
<u>5. Ark-Tex Council of Governments</u>	\$16.84	\$35,032
<u>6. East Texas Council of Governments</u>	\$19.61	\$40,797
<u>7. West Central Texas Council of Governments</u>	\$18.24	\$37,941
<u>8. Rio Grande Council of Governments</u>	\$16.17	\$33,631
<u>9. Permian Basin Regional Planning Commission</u>	\$21.93	\$45,624
<u>10. Concho Valley Council of Governments</u>	\$16.33	\$33,956
<u>11. Heart of Texas Council of Governments</u>	\$19.07	\$39,670
<u>12. Capital Area Council of Governments</u>	\$26.03	\$54,146
<u>13. Brazos Valley Council of Governments</u>	\$16.55	\$34,424
<u>14. Deep East Texas Council of Governments</u>	\$16.20	\$33,698
<u>15. South East Texas Regional Planning Commission</u>	\$29.38	\$61,118
<u>16. Houston-Galveston Area Council</u>	\$26.59	\$55,317
<u>17. Golden Crescent Regional Planning Commission</u>	\$21.03	\$43,742
<u>18. Alamo Area Council of Governments</u>	\$18.40	\$38,280
<u>19. South Texas Development Council</u>	\$13.54	\$28,170
<u>20. Coastal Bend Council of Governments</u>	\$22.97	\$47,786
<u>21. Lower Rio Grande Valley Development Council</u>	\$16.33	\$33,961
<u>22. Texoma Council of Governments</u>	\$22.57	\$46,949
<u>23. Central Texas Council of Governments</u>	\$17.16	\$35,689
<u>24. Middle Rio Grande Development Council</u>	\$18.93	\$39,380

Source: Texas Occupational Employment and Wages

Data published: July 2013

Data published annually, next update will be July 31, 2014

\$41,850 x 110% =

\$46,035

Note: Data is not supported by the Bureau of Labor Statistics (BLS).

Wage data is produced from Texas OES data, and is not to be compared to BLS estimates.

Data intended for TAC 313 purposes only.



Biennial Progress Report for Texas Economic Development Act

Economic Development
and Analysis
Form 50-773-A

INTRODUCTION

- You have been assigned an application number. Please verify this number on the website prior to completing the form. This form will indicate the sections you need to complete based on application number.
- This form must be filled out by each applicant that is party to a limitation agreement.
- If the original application was made by a group of two or more companies, each company must complete this form.
- If the original applicant split into two or more applicants after the original agreement, all current agreement holders must complete this form.
- Applicants should only complete the information for their years as an agreement holder, noting what year they were formed after the original agreement was approved.
- Each agreement holder should respond as a current agreement holder in Section 2.
- Applicants should report their proportionate share of required employment and investment information.
- In addition to the Biennial Progress Report required from each applicant that is a party to an agreement, a separate Biennial Progress Report summarizing the combined applicants' data for the entire agreement must be completed.
- If one of the applicants cannot provide this information, a summarization report must be completed by the school district.
- Projects spanning more than one school district must complete forms for each school district.
- Please return signed hard copy forms and electronic spreadsheets to the school district before May 15 of each even-numbered year.

Note:

- The school district that is a party to the Chapter 313 agreement is collecting the data required by Chapter 313.008 on this form for the Comptroller of Public Accounts (CPA).
- The CPA requests companies complete the electronic spreadsheet version of the form. Please submit both an *electronic version* **and** a *signed hard copy version* of the spreadsheet (with any attachments) to the district. Please contact CPA if you have questions about the form. The spreadsheet version of this form can be downloaded at: www.texasahead.org/tax_programs/chapter313/forms.php.
- After ensuring that all forms are complete, the school district will forward that data to the CPA for inclusion in a statutorily required report to the Texas Legislature.

SECTION 1: Applicant Information

1. Application number 289
2. Name of school district Friona Independent School District
3. Name of central appraisal district (CAD) appraising the qualified property in this school district Parmer County Appraisal District
4. Name of project on original application (or short description of facility) Mariah Renewable Energy Center Phase One Project
5. Name of applicant on original application Mariah North West, LLC
6. Name of company entering into original agreement with district Mariah North West, LLC
7. If you are one of two or more companies originally applying for a limitation, list all other applicants here and describe their relationships. (Use attachments if necessary.)

N/A

SECTION 2: Current Agreement Information

1. Name of current agreement holder(s) Mariah North West, LLC
2. Complete mailing address of current agreement holder 217 East 7th Ave., Denver, CO 80203
3. Company contact person for agreement holder:

<u>James Scott</u> <small>Name</small> <u>(303) 996-8982</u> <small>Phone</small>	<u>Chief Financial Officer</u> <small>Title</small> <u>james.scott@scatecenergy.com</u> <small>Email</small>
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4. Texas franchise tax ID number of current agreement holder: 32041670004
5. If the current agreement holder does not report under the franchise tax law, please include name and tax ID of reporting entity:

<u>N/A</u>	
<small>Name</small>	<small>Tax ID</small>
6. NAICS Code of current agreement holder (6 Digit): 221115
7. If the authorized company representative is different from the contact person listed above:

<u>Trey Novosad</u> <small>Name</small> <u>1301 S. Mopac Ste. 430, Austin, TX 78746</u> <small>Complete Mailing Address</small> <u>(512) 473-2661</u> <small>Phone</small>	<u>Principal</u> <small>Title</small> <u>trey.novosad@property-tax.com</u> <small>Email</small>
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8. If you are a current agreement holder who was not an original applicant, please list all other current agreement holders. Please describe the chain of ownership from the original applicant to the new entities. *(Use attachments if necessary.)*

N/A

SECTION 3: Project Timeline

- | | |
|---|-------------------------|
| 1 Date original limitation agreement approved by school district | <u>October 23, 2013</u> |
| 2 First (complete) year of qualifying time period – after the date the application is approved. See Tax Code §313.021[4]. . . | <u>2014</u> |
| 3 First year of property value limitation | <u>2016</u> |

SECTION 4: Value Limitation Details

- 1 Original limitation amount (*for entire agreement*): 20,000,000.00
- 2 Amount of qualified investment during the qualifying time period the recipient committed to spend or allocate for this project on application (*not total investment*): 405,000,000.00
- 3 Total qualified investment made from the beginning of the qualifying time period through the end of the qualifying time period or the last complete tax year, if still in the qualifying time period. 400,000.00
- 4 Has the description of the qualified property changed from that in the application? ☐ Yes ☒ No
 - 4a. If yes, please describe on an attachment how the actual qualified property — for which you are providing actual and estimated market values on subsequent pages — differs from that property described in the agreement. Estimated Completion Date now 2015.
Include only property located in this school district.
- 5 What was the number of permanent existing jobs at this facility prior to application?
(*See guidelines for definition of existing job.*) 0

SECTION 5: Job Details

- 1 For agreements before Jan. 1, 2014, does the agreement includes a definition of "new job" other than TAC §9.1051(14)(C), as the rule existed at the time of application? ☐ Yes ☒ No
 - 1a. If yes, please provide the definition of "new job" as used in the agreement. (*Use attachments if needed.*)

Biennial Progress Report for Texas Economic Development Act
CHART A1: Job Data for Applications 1 through 999

App Number: 289 Project Name: MARIAH RENEWABLE ENERGY CENTER PHASE ONE PROJECT Form 50-773A
 District Name: FRONIA INDEPENDENT SCHOOL DISTRICT 1st Yr. of Qualifying Time Period: 2014 Revised Jan 2014
 Company Name: MARIAH NORTH WEST LLC

CHART A1 - Only complete this for applications 1 through 999

	Qualifying Time Period			Limitation Period								Viable Presence Period			
	Year 1 (First Complete Tax Year)	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13		
CHART A1 - Only complete this for applications 1 through 999.															
Tax year (YYYY)															
1	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026		
Number of qualifying jobs ¹ applicant committed to create on application (cumulative)	10	10	10	10	10	10	10	10	10	10	10	10	10		
2	0	10	10	10	10	10	10	10	10	10	10	10	10		
Number of qualifying jobs ¹ applicant actually created (cumulative)	0	10	10	10	10	10	10	10	10	10	10	10	10		
3	0	10	10	10	10	10	10	10	10	10	10	10	10		
Number of new jobs ² created (cumulative)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
4															
Median annual wage of new jobs applicant created															
5															
Total wages for new jobs applicant created															
Actual and proposed data. Use actual data for prior years. Estimates are required for current and future years.															

Actual and projected data. Use actual data for prior years. Estimates are required for current and future years.

- Notes:
- Jobs meeting all of the requirements of Tax Code §313.02(3) as the statute existed before Jan. 1, 2014. Do not include construction jobs in counts of qualifying jobs.
 - For new job definition see TAC §9.1051(14) as rules existed before Jan. 1, 2014.

By signing below, I, James Scott, certify that I am the authorized representative of Mariah North West LLC, a current agreement holder of a limitation on appraised value, and the contents of this form and the attached documentation are true and correct to the best of my knowledge and belief.

Authorized Official Signature: [Signature] Date: 5/14/2014
 Print Name/Title: James Scott, CEO Phone: 720-638-1637

The CPA requests companies complete the electronic spreadsheet version of the form.
 Please submit both an electronic version and a signed hard copy version of the spreadsheet (with any attachments) to the district.

Biennial Progress Report for Texas Economic Development Act
CHART A2: Investment and Market Values for Applications 1 through 999

Form 50-773A
Revised Jan 2014

Application Number **289**
 Current Agreement Holder Name **MARIAH NORTH WEST LLC**
 ISD Name **FRIONA INDEPENDENT SCHOOL DISTRICT**

CHART A2 - Only complete this for applications 1 through 999.

Year	School Year (YYYY-YYYY)	Tax Year (actual tax year) YYYY	Total Investment (cumulative)	Market value of qualified property on Jan. 1 BEFORE any exemptions	Market value less any exemptions (such as pollution control) and before limitation	Taxable value of qualified property for purposes of M&O
Prior to start of value limitation period	1-2					
Value limitation period	2014-2016	2014-2015	\$ 365,033,000	\$ 365,033,000	\$ -	\$ 365,033,000
	2016-2017	2016	\$ 344,783,000	\$ 344,783,000	\$ -	\$ 20,000,000
	2017-2018	2017	\$ 320,486,000	\$ 320,486,000	\$ -	\$ 20,000,000
	2018-2019	2018	\$ 304,283,000	\$ 304,283,000	\$ -	\$ 20,000,000
	2019-2020	2019	\$ 304,283,000	\$ 304,283,000	\$ -	\$ 20,000,000
	2020-2021	2020	\$ 284,033,000	\$ 284,033,000	\$ -	\$ 20,000,000
	2021-2022	2021	\$ 267,833,000	\$ 267,833,000	\$ -	\$ 20,000,000
	2022-2023	2022	\$ 247,583,000	\$ 247,583,000	\$ -	\$ 20,000,000
	2023-2024	2023	\$ 231,383,000	\$ 231,383,000	\$ -	\$ 20,000,000
	2024-2025	2024	\$ 223,283,000	\$ 223,283,000	\$ -	\$ 223,283,000
Viable presence period	2025-2026	2025	\$ 203,033,000	\$ 203,033,000	\$ -	\$ 203,033,000
	2026-2027	2026	\$ 203,033,000	\$ 203,033,000	\$ -	\$ 203,033,000

Notes:

1. Total Investment is all investment at original cost, including land acquired after filing of application. Investments made in a year should be reflected in the subsequent year's market value.
2. Use appraised values from CAD as available. For future years, use market value that the entity estimates will approximate the market value for ad valorem tax purposes in that year.
3. This amount is typically the taxable value for the purpose of IAS fund or debt service reserve fund.

By signing below, I, James Scott, certify that I am the authorized representative of Mariah North West, LLC, a current agreement holder of a limitation on appraised value, and the contents of this form and the attached documentation are true and correct to the best of my knowledge and belief.

Authorized Official Signature [Signature] Date 5/14/2014

Print Name/Title James Scott CEO Phone Number 720-838-1637

The CPA requests companies complete the electronic spreadsheet version of the form.
 Please submit both an electronic version and a signed hard copy version of the spreadsheet (with any attachments) to the district.